

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GREG ABBOTT, in his capacity as  
GOVERNOR OF THE STATE OF TEXAS,  
and THE STATE OF TEXAS,

*Defendants.*

Case No. 1:23-cv-00853-DAE

**Stipulations and other Agreements of the Parties**

**I. Stipulations**

To date, Plaintiff and Defendants have agreed on the following stipulations:

1. Defendants caused the Floating Buoy Barrier to be placed in the Rio Grande River about two miles downstream from the Camino Real International Bridge in Maverick County, Texas, in July 2023.
2. Defendants did not seek or obtain a Rivers and Harbors Act Section 10 Permit from the United States Army Corps of Engineers with respect to placement of the Floating Buoy Barrier in the Rio Grande River.
3. The Floating Buoy Barrier is now, and has since at least August 31, 2023, been, located entirely within the boundaries of the United States of America and of the State of Texas, and about two miles downstream from the Camino Real International Bridge in Maverick County, Texas.

## II. Additional Agreements of the Parties as to Witnesses or Exhibits

To date, Plaintiff and Defendants also have made the following agreements pertaining to witnesses and/or exhibits:

1. Plaintiff and Defendants agree that the parties will not call Captain Brandy Parker as a trial witness or object to the authenticity of the Coast Guard Determination. Texas otherwise does not waive, and expressly reserves, its right to object to the Determination and any other exhibits on any grounds.
2. Plaintiff and Defendants agree that neither party will call Kevin Kiefer or Tim MacAllister as live witnesses at trial. Defendants do not agree to refrain from designating or introducing at trial their deposition testimony. Plaintiff does not waive, and expressly reserves, its right to object to such designation or introduction on any grounds.

Plaintiff reserves the right to hereafter inform the Court if any additional stipulations or agreements are reached by the parties before trial commences on November 7, 2024.

Respectfully submitted,

Dated: October 28, 2024

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**CERTIFICATE OF SERVICE**

I certify that on October 28, 2024, a copy of this filing was served on counsel of record through the Court's electronic filing system.

/s/ Brian H. Lynk  
Brian H. Lynk